

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
(Eastern Division)

CHARLES JOHNSON and
GOT NEWS, LLC

Plaintiffs,

V.

GAWKER MEDIA, LLC, J.K. TROTTER, :
and GREG HOWARD :

Defendants.

Case No. 4:15-cv-01137-CAS

**PLAINTIFFS' REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION
TO FILE RESPONSE BRIEF OUT OF TIME**

Defendants have characterized Plaintiffs' motion for an extension of time to file their response brief (a one week total extension) as though it were rooted in some nefarious conspiracy. Notably, Defendants fail to identify anything pled in their motion seeking additional time, amounting to something less than good cause *They also have utterly failed to demonstrate how they might be prejudiced should the leave be granted.*

There is no conspiracy here. Defendants are in essence asking the Court to penalize Plaintiffs for lacking the resources to hire **two (2)** large law firms with multiple support staff. Defendants filed - *simultaneously* - a Motion to transfer venue as well as what amounts to two (2) Motions to Dismiss, analyzing, prospectively, the law of defamation across three (3) different jurisdictions, in three (3) different Federal Circuits. And added to this, a loss of the Anti-SLAPP motion amounts to a legal fees penalty upon Plaintiffs. As a result, Plaintiffs have been *very* carefully crafting their Response.

Plaintiffs' counsel is a solo practitioner who collaborates with another attorney who is Of Counsel to The Burns Law Firm, and who almost exclusively dedicates his time to employment law. Plaintiff's counsel also has a highly capable second year law student intern. As Plaintiffs stated in their motion seeking a time extension (which was filed at approximately 1 a.m. this morning as Plaintiffs' counsel reached physical exhaustion), Plaintiffs have been diligently and energetically tackling this case. Plaintiffs' counsel had honestly believed the work would be completed by October 9th. However, counsel was forced of necessity to continue working and personally logged more than 58 hours working on Plaintiffs' response over the past four days *alone*, Friday through the present.

Plaintiffs' counsel could have called Defense counsel on Friday evening to discuss extending the time, or perhaps over the weekend. Plaintiffs' counsel even had hopes of finishing last night. However, being late, the Court was owed an immediate explanation. Plaintiffs filed their request for leave for additional time, and Plaintiffs' counsel emailed Defense counsel and informed him of the situation. Given that counsel for the parties had generally played well together throughout the case - *including Plaintiff's counsel granting Defendants an additional month's time to file their responsive pleadings* - Plaintiffs' counsel did not expect such a fiery opposition. To wit: Defense counsel has essentially argued that Plaintiffs' counsel is a liar, which is not only false, but positively outrageous. At absolutely no point has Plaintiffs' counsel deliberately misled Defense counsel. Every communication made has been in good faith and with complete candor.

Plaintiffs' counsel has not interviewed any past or present employees or agents of Defendants in preparation for Plaintiffs' response brief, nor does Plaintiffs' response brief *rely*

upon or contain any information from any communication by Charles Johnson or any Got News LLC employee or agent, with any of Defendants' past or present employees or agents or associates, with the exception of the individually named Defendants themselves.

Despite their concern about time, Defendants' opposition to Plaintiffs' request for additional time has had the effect of sidetracking Plaintiffs' counsel today, further preventing him from finishing the Response. As a result, Plaintiffs' request an *additional day*, in addition to their requested leave in the underlying motion. Plaintiffs thus seek until Saturday, October 17, 2015 at midnight to submit their responses to Defendants' pending motions. A proposed order is attached to this pleading.

WHEREFORE, Plaintiffs humbly move the Court to approve Plaintiffs above-proposed extension of time (until October 17, 2015 at midnight) for Plaintiffs to file their Response to Defendants' various motions.

Respectfully submitted,

THE BURNS LAW FIRM, LLC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served, via the Court's electronic notification system, on October 13, 2015, upon all parties of record.

/s/ John C. Burns

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CHARLES JOHNSON and
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and GREG HOWARD :

DefendantS.

Case No. 14:15-cv-001137

ORDER GRANTING PLAINTIFFS' MOTION TO FILE OUT OF TIME

Upon motion of Plaintiffs and for good cause shown, and lack of prejudice to the Defendants, the Court grants Plaintiffs' request for Leave to Respond to Defendants' Motion to Dismiss the Complaint (Doc. 14) and Defendants' Special Motion to Strike the Complaint Pursuant to The California Anti-SLAPP Law (Doc. 20) out of time, thereby extending Plaintiffs' time to file Responses to midnight on Saturday, October 17, 2015.

Date:_____

SO ORDERED:

Hon. Charles A. Shaw
United States District Judge